

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
V.)	Criminal No. 04-10298-DPW
)	
MARKO BOSKIC)	

MOTION FOR A PROTECTIVE ORDER

Now come the United States and requests that this Court issue a protective order, that will prevent public disclosure at this time of discovery that will be provided to the defendant by the government. Much of the evidence that will be covered by the proposed protective order was received (or will be received) by the government from the Office of the Prosecutor for the International Criminal Tribunal for the Former Yugoslavia ("ICTY").

Following the breakup of the former Yugoslavia and the conflict that followed, the United Nations ("UN") established the ICTY and the Office of the Prosecutor ("OTP") to investigate, prosecute and try alleged war criminals for crimes against humanity, genocide and other crimes committed in the former Yugoslavia during the 1990s. Investigators from the OTP have been involved in exhumations of mass graves, interviewing of survivors and other witnesses, and gathering and analyzing other evidence. A number of indictments have been returned and several trials held at the Hague in the Netherlands. See www.icty.org.

Evidence of a number of massacres have been uncovered, including the massacre of 1200 to 1500 unarmed, civilian Muslim

men and boys at Branjevo Military Farm in Bosnia-Herzegovina ("BiH") on July 16, 1995. It is alleged that, as part of the 10th Sabotage Unit of the Army of the Republic of Srpska ("VRS"), the defendant Marko Boskic participated in the Branjevo massacre.

Beginning in approximately June 2005, through the OTP, the government received documents, reports, photographs, witness statements, charts, etc. that relate to the massacre at Branjevo and other massacres of civilians from what was the UN "protected" Muslim enclave in Srebrenica. The evidence includes hundreds of autopsy reports, photographs from exhumation sites and morgues, reports of experts, and other evidence. It is anticipated that only some of these items will be offered as exhibits during a trial in this case.

The OTP has disclosed this material to defendants and their counsel in a number of cases that have been prosecuted and are pending in the Hague. In each instance, this material has been disclosed pursuant to a protective order that is similar (but more restrictive) to the proposed order that is submitted with this motion. The OTP has requested that the United States seek a similar protective order in this case.

The protective order is intended and designed to protect witnesses and victims, while not interfering with a defendant's ability to prepare and present a defense. In addition, the order would prevent premature disclosure of material, or disclosure of

material that might otherwise not be disclosed, that could prejudice a defendant's rights to a fair trial. It is understood that anything admitted as an exhibit at trial will be available to the public, and any witness who testifies will be identified.

The situation in the former Yugoslavia is still somewhat unstable and there have been instances of witness intimidation in cases prosecuted at the ICTY. Therefore, the OTP has requested that we seek the attached proposed protective order.

Respectfully submitted,

For the United States:

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United States Attorney

By: /s/ Jeffrey Auerhahn
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Assistant U.S. Attorneys

Dated: March 14, 2006

CERTIFICATE OF SERVICE

I hereby certify that these documents filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF)

Jeffrey Auerhahn
Assistant U.S. Attorney

